

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JUAN GABRIEL BARBOZA,

Plaintiff,

v.

MCSO JAIL DIVISION, et al.,

Defendants.

Case No.: 1:23-cv-0753 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 8)

Juan Gabriel Barboza is a prisoner or pretrial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The magistrate judge screened the allegations of the complaint pursuant 28 U.S.C. § 1915A(a) and found that it failed to state any cognizable claims. (Doc. 7.) After Plaintiff failed to respond to the screening order, the magistrate judge issued Findings and Recommendations supporting that this case be dismissed for failure to state a claim, failure to prosecute, and failure to comply with a court order. (Doc. 8.)

The Court served the Findings and Recommendations and notified him that any objections were due within 14 days of the date of service. (Doc. 8 at 7.) The Court also advised him that the “failure to file objections within the specified time may result in waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) No objections have been filed, and the time to do so has expired. Moreover, the Findings and Recommendations were returned as “Undeliverable, Not in

1 Custody,” indicating that Plaintiff has failed to keep the Court updated as to his current address as
2 required by Local Rule 182(f), which provides as follows: “Each ... pro se party is under a
3 continuing duty to notify the Clerk and all other parties of any change of address or telephone
4 number of ... the pro se party. Absent such notice, service of documents at the prior address of ...
5 pro se party shall be fully effective.”

6 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 9 1. The Findings and Recommendations entered on August 1, 2023 (Doc. 8), are
10 **ADOPTED** in full.
- 11 2. This action is **DISMISSED** without prejudice.
- 12 3. The Clerk of Court is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: **August 25, 2023**


UNITED STATES DISTRICT JUDGE